

## Chapter 16. Agencies, Boards and Commissions

### 16.1 Administrator

The authority to establish an Administrator for the City of Salisbury is granted under the authority of G.S. 160A-361 & 373.

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#### A. Duties of the Administrator

1. **General Responsibilities:** The various provisions of this Code shall be administered by the City of Salisbury Land Management and Development Department under the primary direction of the Land Management and Development Director. For the purposes of the administration of this Code, the Land Management and Development Director and subordinate staffs are collectively referred to as the Administrator.
2. **Maintain Records and Files:** The Administrator shall maintain a record of all permits and approvals on file and copies shall be made available on request to interested parties.
3. **Water Supply Watershed WS-IV-PA Records:** The Administrator shall keep records on the total amount of acreage available under this option, total acres approved for this option, and site specific information on each development employing this option including: location, acres, site plan, use, stormwater management plan, etc.
4. **Water Supply Watershed Variance Records:** The Administrator shall submit annually to the NC Division of Water Quality a copy of the minutes and decisions of any variance to the Water Supply Watershed Protection provisions of this Code.

### 16.2 Boards and Commissions Established

The following Boards and Commissions are hereby established:

- Planning Board
- Zoning Board of Adjustment
- Historic Preservation Commission
- Technical Review Committee

#### A. Planning Board

The authority to establish a Planning Board for the City of Salisbury is granted under the authority of G.S. 160A-361 & 387.

##### 1. Authority and Responsibility

The Planning Board shall have the following duties and responsibilities:

- a. To review and make a recommendation on Text Amendments, Rezoning (including Conditional Districts), and Special Use Permits.

- b. To render opinions and make recommendations on all issues and petitions related to the Code and other land use plans which may be adopted from time to time which require approval by the City Council.

**2. Membership and Terms of Office**

- a. The Planning Board shall consist of a total of twelve (12) members.. In accordance with G.S. 160A-360, the total membership of the Planning Board shall be proportional to the population of residents of the City of Salisbury and residents in the ETJ area.
- b. Representatives from within the corporate limits shall be appointed by the Salisbury City Council. Representatives from the ETJ area shall be recommended by the Salisbury City Council to the Rowan County Commission for appointment.
- c. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- d. Members may serve a maximum of three (3) consecutive terms but may be re-appointed after a one year layoff.
- e. The Planning Board shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

**B. Zoning Board of Adjustment**

The authority to establish a Zoning Board of Adjustment for the City of Salisbury is granted under the authority of G.S. 160A-388

**1. Authority and Responsibility**

The Zoning Board of Adjustment shall have the following duties and responsibilities:

- a. To hear and decide appeals from any order, decision, determination, or interpretation made by the Administrator pursuant to or regarding these regulations.
- b. To hear and decide appeals from any order, decision, determination, or interpretation made by the Technical Review Committee or the Historic Preservation Commission pursuant to or regarding these regulations.
- c. To hear and decide petitions for variances from the requirements of these regulations.

- d. To make an interpretation of any portion of this Code.
- e. To change the use of or expand certain nonconformities.

**2. Membership and Terms of Office**

- a. The Zoning Board of Adjustment shall consist of a total of five (5) members and seven (7) alternate members. In accordance with G.S. 160A-360, the total membership of the Zoning Board of Adjustment shall be proportional to the population of residents of the City of Salisbury and residents in the ETJ area.
- b. Representatives from within the corporate limits shall be appointed by the Salisbury City Council. Representatives from the ETJ shall be recommended by the Salisbury City Council to the Rowan County Commission for appointment.
- c. Alternate members shall serve on the Zoning Board of Adjustment only in the absence of the representative municipal or ETJ member.
- d. The Zoning Board of Adjustment meeting shall consist of five (5) members, with four (4) of the seated members representing the jurisdiction within the municipal corporate limits, and one (1) seated member representing the ETJ.
- e. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- f.
- g. Members may serve a maximum of three (3) consecutive terms but may be re-appointed after a one year layoff.
- h. The Zoning Board of Adjustment shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

**C. Historic Preservation Commission**

The authority to establish the Historic Preservation Commission for the City of Salisbury is granted under the authority of G.S. 160A-400.7.

**1. Authority and Responsibility**

- a.** To receive applications for certificates of appropriateness, review applications to determine appropriateness, and shall approve or disapprove such application.
- b.** Recommend to the City Council districts or areas to be designated by ordinance as historic overlay districts, and recommend individual structures, buildings, sites, areas, or objects to be designated by ordinance as an historic landmark.
- c.** Recommend to the City Council that designation of any area as an historic overlay district or part thereof be revoked or removed for cause and recommend that designation of individual structures, buildings, sites, areas, or objects as historic landmarks be revoked for cause.

**2. Membership and Terms of Office**

- a.** The Historic Preservation Commission shall be a nine (9) member commission appointed by the City Council. A majority of the members of the commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields; and all the members shall reside within the territorial jurisdiction of the City of Salisbury.
- b.** Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- c.** The Historic Preservation Commission shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

**3. Design Guidelines**

The Historic Preservation Commission shall include as an appendix to the rules of procedure “The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings” and the “Historic District Guidelines” for determining appropriateness. The Design Guidelines shall be placed on file with the City of Salisbury and shall be made available to the general public

**D. Technical Review Committee (TRC)**

The authority to establish the Technical Review Committee for the City of Salisbury is granted under the authority of G.S. 160A-361 & 373.

**1. Authority and Responsibility**

The Technical Review Committee shall have the following duties and responsibilities:

- a.** To establish the technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.;
- b.** To review and approve all site plans and preliminary plats for compliance with this Code. In determining compliance with this Code, the TRC may take the following actions:
  - (1)** Approve the site plan or preliminary plat as submitted (or with changes agreed to by the applicant at the meeting); or,
  - (2)** Deny the site plan or preliminary plat for non-compliance with this Code; or,
  - (3)** Make recommendations to be considered by the applicant upon resubmittal to ensure compliance with this Code; or,
  - (4)** Conditionally approve site plans or preliminary plats subject to final review by the Administrator; or,
  - (5)** Table the site plan or preliminary plat for further study or additional information; or,

**2. Membership**

The Technical Review Committee shall be chaired by the Land Management and Development Director (or their designee) and shall consist of the following members:

- One (1) City Council Member (ex-officio)
- One (1) Planning Board Member (ex-officio)
- The following Departments Heads or their designee:
  - Land Management and Development
  - Utilities
  - Fire
  - Public Works
- The following technical staff (as selected by the Land Management and Development Director on a project by project basis)
  - Planner (1)
  - Engineer (1)
  - Zoning Official (1)
- In addition, the Chair may, at their discretion, or at the request of other TRC members, invite other administrative staff members from the following organizations to participate in the meetings. Such participants shall serve in an ex-officio capacity only.
  - Other City of Salisbury Departments
  - Rowan County

- NCDOT
- Other NC State Agencies

### **16.3 Meetings and General Procedures**

All meetings of bodies under this Chapter shall be open to the public in accordance with G.S. 143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies and approved by the City Council.

Any adopted rules of procedure shall be kept on file at the Land Management and Development Department Office and shall be made available to the public at any meeting or hearing.

All bodies authorized under this Chapter shall meet at regularly scheduled times and at such other times as determined by the chairman as provided for in the rules of procedure.

### **16.4 Staff**

The Administrator shall serve as staff to the Planning Board, Zoning Board of Adjustment, Historic Preservation Commission, and the Technical Review Committee. In addition, the City Attorney may provide legal and procedural assistance to the Zoning Board of Adjustment.

### **16.5 Attendance Policy**

Any member of a Board or Commission who attends less than 75% of the regular and special meetings held by the board during any one year period may be removed from the board by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided. The Chairman of the board or commission shall notify the proper appointing authority if a member is absent 25% of the meetings, and a new appointment may be made by the City Council to fill that vacancy.